

COUNCIL CHAMBERS -- CITY COUNCIL
CITY HALL -- CITY OF LODI

Wednesday, December 20, 1939

The City Council of the City of Lodi met in regular session at 8:00 o'clock P.M. on Wednesday, December 20, 1939, Councilmen Clark, Graffigna, Spooner, Weihe and Steele present, none absent.

The minutes of the last meeting held December 6, 1939 were read, approved as read and so endorsed by the Mayor.

Mr. Jacob Schauer applied for permission to extend his dwelling on the North fifty feet of Lots 11 and 12, Block 45, Ivory's Addition to within nine feet of the east property line and on motion of Councilman Spooner, seconded by Councilman Weihe, the Building Inspector was directed to grant the permit.

A petition was received from Noah Howard praying for the abandonment of a ten foot alley in Block 2 of "Central Tract". The petition was ordered to take its usual course.

Mr. Clinton Henning, City Engineer filed a recommendation that the wages paid Mr. Leroy B. Cross and Mr. R. B. Venable be fixed at \$125.00 per month effective January 1, 1940. The recommendation was approved on motion of Councilman Clark, seconded by Councilman Spooner.

The annual report of the City Building Inspector was received, read and ordered filed.

In the matter of the application of the Pacific Gas And Electric Company for a gas franchise, Resolution No. 1015 was introduced on motion of Councilman Spooner, seconded by Councilman Graffigna, read at length by the Clerk and finally adopted by the following vote:

AYES: Councilmen, Spooner, Graffigna, Clark,
Weihe and Spooner
NOES: Councilmen, None
ABSENT: Councilmen, None

RESOLUTION NO. 1015

RESOLUTION ACCEPTING SUM TENDERED BY PACIFIC
GAS AND ELECTRIC COMPANY IN PAYMENT FOR GAS
FRANCHISE APPLIED FOR BY IT.

WHEREAS Pacific Gas and Electric Company, a California utility corporation filed in the office of this Council on the 6th day of November, 1939, its application for the franchise (a) to use for transmitting and distributing gas within the City of Lodi for any and all purposes other than those authorized under Section 19 of Article XI of the Constitution of the State of California as said section existed prior to its amendment on October 10, 1911, all gas pipes and appurtenances which now are or may hereafter be lawfully placed in the public streets, ways and places within said city, and (b) to lay and use in said public streets, ways and places all pipes and appurtenances necessary or proper for said purposes; and

COUNCIL CHAMBERS -- CITY COUNCIL
CITY HALL -- CITY OF LODIWEDNESDAY, DECEMBER 20, 1939
Continued

WHEREAS this Council on the 15th day of November, 1939, adopted a resolution declaring its intention of granting said franchise upon the terms and conditions in said resolution set forth, and fixing the date for hearing objections to the granting thereof; and

WHEREAS due notice of said intention and date for hearing objections has been published in the manner and for the time prescribed by law and by the aforesaid resolution; and

WHEREAS this Council, at the time specified in said resolution and in said notice, viz; at the hour of 8:00 p.m. on Wednesday the 6th day of December, 1939, met in open session for the purpose of hearing protests or objections to the granting of said franchise; and no protests or objections to the granting of said franchise were made or filed, and the proposed ordinance granting said franchise thereupon received its first reading; and

WHEREAS this Council again met at a regular meeting on the 20th day of December, 1939, at which time this Council received a written tender from Pacific Gas and Electric Company to pay for said franchise the sum of Two thousand dollars (\$2,000.00) in lawful money of the United States of America, and said tender was accompanied by the check of said Pacific Gas and Electric Company, payable to the Treasurer of the City of Lodi for said amount; and

WHEREAS this Council deems said sum constitutes a reasonable payment for said franchise and the acceptance of said franchise constitutes a fair consideration for a discharge of said company from any and all obligations to the City of Lodi for past use of its streets for the purposes for which said franchise is to be granted;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Lodi that it does hereby accept said sum of \$2,000.00 in lawful money of the United States of America, in payment as aforesaid, conditional, however, upon the understanding that if the ordinance granting said franchise shall not become effective said sum shall be refunded to Pacific Gas and Electric Company; and

BE IT FURTHER RESOLVED that in consideration of the acceptance by Pacific Gas and Electric Company of said franchise and its operation thereunder the City of Lodi does hereby declare discharged all obligations of said company for past use of the streets of the City of Lodi for the purposes set forth in the form of franchise applied for.

At this time Mr. A. A. Clark, the local manager of the Pacific Gas and Electric Company presented the payment mentioned in the foregoing resolution and also a bond of the Pacific Gas and Electric Company required by the Franchise Act of 1937 and the bond and its sureties were approved by the adoption of Resolution No. 1016 by the assenting votes of all members of the Council.

COUNCIL CHAMBERS -- CITY COUNCIL
CITY HALL -- CITY OF LODI

WEDNESDAY, DECEMBER 20, 1939
Continued.

Ordinance No. 260 was introduced on motion of Councilman Graffigna, seconded by Councilman Weihe and after reading of its title further reading was dispensed with by unanimous vote of all members of the Council. Ordinance No. 260 entitled "AN ORDINANCE GRANTING TO PACIFIC GAS AND ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE TO USE, FOR TRANSMITTING AND DISTRIBUTING GAS WITHIN THE CITY OF LODI FOR ANY AND ALL PURPOSES OTHER THAN THOSE AUTHORIZED UNDER SECTION 19 OF ARTICLE XI OF THE CONSTITUTION OF THE STATE OF CALIFORNIA AS SAID SECTION EXISTED PRIOR TO ITS AMENDMENT ON OCTOBER 10, 1911, ALL GAS PIPES AND APPURTENANCES WHICH ARE NOW OR MAY HEREAFTER BE LAWFULLY PLACED IN THE PUBLIC STREETS, WAYS AND PLACES WITHIN SAID CITY, AND TO LAY AND USE IN SAID PUBLIC STREETS, WAYS AND PLACES ALL PIPES AND APPURTENANCES NECESSARY OR PROPER FOR SAID PURPOSES," was then passed, adopted and ordered to print by the following vote:

AYES: Councilmen, Graffigna, Weihe, Clark,
Spooner and Steele
NOES: Councilmen, None
ABSENT: Councilmen, None

The Mayor then signed the ordinance in approval thereof.

Ordinance No. 261 entitled "AN ORDINANCE APPROVING THE ANNEXATION OF THE ELEVENTH ADDITION" having been introduced on the 6th day of December, 1939 was now brought up for passage and after reading of the title further reading was dispensed with by unanimous vote of the Council and the said ordinance finally passed, adopted and ordered to print by the following vote:

AYES: Councilmen, Graffigna, Spooner, Clark, Weihe
and Steele
NOES: Councilmen, None
ABSENT: Councilmen, None

The Mayor then signed the ordinance in approval thereof.

Ordinance No. 262 entitled "AN ORDINANCE APPROVING THE ANNEXATION OF THE TWELFTH ADDITION" having been introduced on the 6th day of December, 1939 was now brought up for final passage and after reading of the title further reading was dispensed with by unanimous vote of all members of the City Council and the said Ordinance No. 262 was then passed, adopted and ordered to print by the following vote:

AYES: Councilmen, Graffigna, Spooner, Weihe, Clark
and Steele.
NOES: Councilmen, None
ABSENT: Councilmen, None

The Mayor then signed the ordinance in approval thereof.

Resolution No. 1017 was then presented to the Council by the Mayor and read by the City Clerk, considered by the Council and finally passed and adopted by the following vote:

AYES: Councilmen, Clark, Graffigna, Spooner,
Weihe and Steele
NOES: Councilmen, None
ABSENT: Councilmen, None

COUNCIL CHAMBERS -- CITY COUNCIL
CITY HALL -- CITY OF LODIWEDNESDAY, DECEMBER 20, 1939
ContinuedRESOLUTION NO. 1017

Pursuant to the "CALIFORNIA COMMUNITY RECREATION ENABLING ACT OF 1939" and in order to carry out the purposes thereof;

BE IT RESOLVED by the City Council of the City of Lodi, San Joaquin County, California as follows:

(1) That there is hereby established in and for the City of Lodi a commission to be known as the Recreation Commission which shall consist of five members, each of whom shall serve without compensation; and that each of said commissioners shall serve upon said commission for a term of five years, after appointment, except that of the first appointments made under this resolution, one commissioner shall serve one year, one commissioner shall serve two years, one commissioner shall serve three years, one commissioner shall serve four years, one commissioner shall serve five years and upon the expiration of each of said terms respectively a new commissioner shall be appointed to serve for a term of five years thereafter. Three members of said commission shall at all times be appointees of the City Council made from the list of members, or proposed members submitted to the City Council by the Directors of the Civitan Club of said city, if approved by the City Council. In the event the said Board of Directors of the Civitan Club fails at any time, to submit such a list of candidates, or if such recommended candidates be not approved by the City Council the City Council shall, without such recommendation, appoint the necessary members to serve upon said commission, and each member of said commission shall at all times be a resident of the Lodi District.

In case of a vacancy in the membership of said commission the same shall be filled by an appointee of the City Council upon the recommendation of the remaining members of said commission for the remainder of such vacancy, if such recommendation be approved by the City Council.

Three members of said commission shall constitute a quorum for the transaction of business and said commission shall select, from its members, a chairman and a secretary of such commission. Said commission may appoint such other officers and committees as to it may seem expedient, all such officers and committeemen to serve without compensation.

(2) Except as hereinafter specially mentioned, said commission shall have all the powers contemplated by said "California Community Recreation Enabling Act of 1939" and shall have the power to adopt by-laws, rules and regulations for the proper conduct of public recreation for the City of Lodi, subject at all times to the approval of the City Council of said city. The said commission shall provide, conduct and supervise public play grounds, atheletic fields, recreation centers, and other recreational facilities and activities on any of the properties owned or controlled by the city, or on other properties with the consent of the owner and persons in charge thereof. It shall have the power to conduct any form of recreation or cultural activity that will employ the leisure time of the people in a constructive and wholesome manner.

COUNCIL CHAMBERS -- CITY COUNCIL
CITY HALL -- CITY OF LODI

WEDNESDAY, DECEMBER 20, 1939
Continued

Provided, however, that said recreation commission shall have no power, authority or control over Lawrence Park, or any activities therein, nor any baseball or soft ball diamonds or fields provided by the city, nor over Lodi Lake Park or any activities therein.

(3) Said Commission shall have power to appoint or designate someone to act as recreational supervisor and such other assistant recreational supervisors as to said commission may appear to be necessary from time to time, provided however, that no such appointment of a recreational supervisor, or any deputy or assistant supervisor, shall be valid unless approved by the City Council.

(4) That the said Recreation Commission annually shall submit to the City Council a budget for the coming fiscal year of the estimated expenses and cost of its activities, which budget may be approved, amended or rejected by the City Council. Said Commission shall make full and complete monthly and annual reports to the City Council and such other reports as may be required by the council from time to time.

(5) That said commission may accept donations, legacies or bequests for the aid and improvement of any center under its control, provided that all moneys to be derived from such donations, legacies or bequests, shall, unless otherwise provided for under the terms of such donations, legacies or bequests, respectively, be deposited in the treasury of the City of Lodi to the credit of the said commission, established under this numbered resolution, and provided further that the city may invest such donations, legacies or bequests (if not otherwise limited by the terms thereof) in interest bearing securities of the United States Government, the State of California, municipal corporations or school districts, and the city may change the form of such investments from time to time, as it may deem best. Nothing herein contained shall prevent said commission from accepting donations, legacies or bequests or conveyances or devises which may be limited to be used for any specific purpose or purposes by the respective donors or testators.

(6) The commission shall have the right to recommend the disbursement of funds regularly apportioned or received for the support of its activities, provided however that all bills, demands or claims, after having been audited and approved by said commission shall be presented to the City Council for its approval and payment out of the proper fund or funds.

(7) That anything herein to the contrary notwithstanding said commission shall have no power to incur any indebtedness or obligation against the City of Lodi nor against any fund or funds of said city, without the prior approval of the City Council; and provided further, that the City Council of said city does not, by the terms hereof, intend to, nor does it, relinquish its powers, or any power, over any park or recreational facilities or property of said city, it being the intent hereof that said commission shall serve for the purpose of coordinating recreation in said city, to the end that said city, in establishing and operating its recreational facilities shall act in conjunction with the federal and state governments, and any department or departments of either thereof.

COUNCIL CHAMBERS -- CITY COUNCIL
CITY HALL -- CITY OF LODIWEDNESDAY, DECEMBER 20, 1939
Continued

Four applications for transfer of liquor licenses were received from the State Board of Equalization and no objections were offered.

On motion of Councilman Spooner, seconded by Councilman Weihe, the Mayor was authorized to execute an agreement for the purchase of watt-hour meters with the Duncan Electric Company.

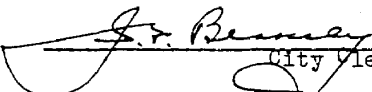
Mr. John A. Henning, presented an offer from the Pacific Gas and Electric Company to sell its electrical distributing facilities, exclusive of transformers and meters, located in the easement West of Orange Avenue and North of Sargent Road for the sum of \$400.00. On motion of Councilman Spooner, seconded by Councilman Graffigna, the offer was ordered accepted and the Clerk directed to notify the company of such acceptance.

The tentative applications for building permits of Ed Perrin and of P. W. Loewen for metal sheath buildings within the fire limits were considered by the Council and the Clerk was directed to ascertain from the Board of Fire Underwriters if the construction of the buildings of this type contemplated would affect the fire insurance rates in neighboring territory.

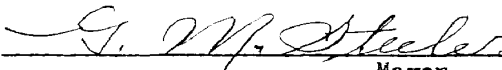
A Works Project application under the National Youth's Administration was submitted by the City Engineer. It was approved on motion of Councilman Spooner, seconded by Councilman Clark, the Mayor voting no.

At six minutes past ten o'clock P.M., the meeting adjourned on motion of the Mayor, none dissenting.

ATTEST:


City Clerk.

The foregoing minutes of a regular meeting of the City Council of the City of Lodi, were read at a subsequent meeting of said City Council held January 3, 1940 and read without alteration or correction.


Mayor.